



Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, UNION County

State of New Jersey

v.

Last Name
MCGILLVARY

First Name
CALEB

Middle Name
L

Also Known As

Date of Birth 09/03/1988	SBI Number 102317G	Date(s) of Offense 05/12/2013		
Date of Arrest	PROMIS Number 13 001703-001	Date Ind / Acc / Complt Filed 05/18/2016	Original Plea <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty	Date of Original Plea 05/23/2016
Adjudication By	<input type="checkbox"/> Guilty Plea <input checked="" type="checkbox"/> Jury Trial Verdict	<input type="checkbox"/> Non-Jury Trial Verdict	<input type="checkbox"/> Dismissed / Acquitted	Date: 04/24/2019

Original Charges

Ind / Acc / Complt 16-05-00344-I	Count 1	Description MURDER - PURPOSELY	Statute 2C:11-3A(1)	Degree 1
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Final Charges

Ind / Acc / Complt 16-05-00344-I	Count 1	Description MURDER - PURPOSELY	Statute 2C:11-3A(1)	Degree 1
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Sentencing Statement

It is, therefore, on 05/30/2019 ORDERED and ADJUDGED that the defendant is sentenced as follows:

The Defendant is remanded to the custody of the Commissioner of the Department of Corrections for a period of 57 YEARS.

Defendant must serve 85 % of this sentence until released in accordance with the No Early Release Act.

Defendant is subject to 5 years mandatory Parole Supervision upon release pursuant to the No Early Release Act.

It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term 057 Years 00 Months 000 Days	Institution Name CARE COMMISS/CORR	Total Probation Term 00 Years 00 Months
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DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)			Additional Conditions																														
<p>A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)</p> <p><input type="checkbox"/> DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))</p> <table> <thead> <tr> <th>Standard</th> <th>Doubled</th> </tr> </thead> <tbody> <tr> <td>1st Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>2nd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>3rd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>4th Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>DP or _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>Petty DP _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> </tbody> </table> <p>Total DEDR Penalty \$ _____</p> <p><input type="checkbox"/> The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)</p>			Standard	Doubled	1st Degree _____ @ \$ _____	_____ @ \$ _____	2nd Degree _____ @ \$ _____	_____ @ \$ _____	3rd Degree _____ @ \$ _____	_____ @ \$ _____	4th Degree _____ @ \$ _____	_____ @ \$ _____	DP or _____ @ \$ _____	_____ @ \$ _____	Petty DP _____ @ \$ _____	_____ @ \$ _____	<p><input checked="" type="checkbox"/> The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29).</p> <p><input type="checkbox"/> The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4).</p> <p><input type="checkbox"/> The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4).</p> <p><input checked="" type="checkbox"/> The defendant is hereby ordered to serve a <u>5</u> year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2).</p> <p><input type="checkbox"/> The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____</p> <p><input type="checkbox"/> The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8).</p> <p><input type="checkbox"/> The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1).</p> <p><input type="checkbox"/> The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).</p>																
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Statement of Reasons - Include all applicable aggravating and mitigating factors

The Court finds that aggravating factors 1, 3, 9 and 12 outweigh the mitigating factors 4 and 7.

Attorney for Defendant at Sentencing JOHN G CITO	Public Defender <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Prosecutor at Sentencing SCOTT PETERSON	Deputy Attorney General <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Judge at Sentencing Robert Kirsch, J.S.C.	
Judge (Signature) /s Robert Kirsch, J.S.C.	Date 05/30/2019